

CUSTOMER NO.: 24498
Serial No.: 10/518,569
Office Action dated: July 6, 2009
Response dated: October 5, 2009

PATENT
PU020298

Remarks/Arguments

The final Office action indicates that pending claims 1-11 stand rejected. Applicants have amended claims 1, 4-8, and 10 to clarify certain aspects of the claimed invention. Claims 12-14 are newly added and are fully supported by the specification, for example Fig. 5. Applicants have added no new matter.

Claims 2, 3 and 11 are canceled herein. Applicants note that the Office has not applied any art against claims 5 and 9.

Claim Rejections under 35 U.S.C. § 112

Claims 4, 5, 8, and 9 stand rejected under 35 U.S.C. 112, second paragraph, because of allegedly indefinite claim language. The Office Action asserts that the feature of a "fast clock pulse count" is indefinite because "fast" is allegedly a relative term.

The term "fast" has been removed from claims 4, 5, 8 and 9 obviating the rejection.

New claim 14 uses the term "fast clock" which is not indefinite, and is clearly defined in page 10, lines 18-20 of the specification as originally filed, which explains that the term "fast clock" refers to a clock having a frequency of at least twenty times faster than the frequency of the incoming AES digital audio data stream. As such, "fast" is not indefinite since it is used together with "clock" as a defining term and not in the adjective sense and is therefore not a relative term.

Thus, claims 4, 5, 8, 9, and 14 are in full compliance with 35 U.S.C. 112, second paragraph and this rejection should be withdrawn.

Claim rejections under 35 U.S.C. § 103

Claims 1-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (WO98/16040) in view of Lydon (US 6,757,302), whereas claims 6-8 stand rejected under 35 U.S.C. 103(a) as unpatentable over Adams and Lydon in view of Lyle (US 7,295,578).

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With regard to current claim 1, the Office Action, top of page 5, points to page 1, lines 12-13 of Adams to show the claimed features of "transferring the determined time to a decoding logic circuit for decoding said stream of serialized AES digital audio data by utilizing the determined time," as previously recited in claim 3.

Applicants respectfully disagree with this assertion since this section of Adams only recites that: "The receiver circuit decodes the input signal into a digital data stream together with a digital clocking signal corresponding to the data stream." This sentence taken together with Fig. 5 of Adams is describing that a digital data stream and a digital clocking signal are decoded from the input signal. There is no indication in this sentence from Adams that the decoding utilizes the digital clocking signal. A review of Adams, in particular Fig. 5, finds that the bit clock and frame clock are output from the logic 57, however there is no suggestion that these clocks are used in the decoding of the AES/EBU input signal shown in Fig. 5. These clocks are simply shown as outputs from the logic 57.

Lydon likewise fails to teach or suggest the claimed features. Nor does the examiner suggest Lydon shows these claimed features. Because the combination of references does not teach or suggest all of the features recited in claim 1 the rejection should be withdrawn.

Claims 2 and 3 have been cancelled obviating the rejection. Claim 4 depends from independent claim 1 and incorporates by reference all of the features of claim 1. Therefore, claim 4 is patentably distinguish over the art of record for the same reasons as claim 1. Applicants request withdrawal of the rejection of claims 1 and 4 under 35 U.S.C. 103(a).

Claims 6-8 depend from allowable claim 1. Thus, claims 6-8 incorporate by reference the features of claim 1. The additional reference Lyle is cited as allegedly showing an encoder. However, Lyle does not show or suggest "transferring the determined time to a decoding logic circuit for decoding said stream of serialized AES digital audio data by utilizing the determined time," as recited in claim 1. Therefore, Lyle does not cure the deficiencies of the combination of Adams and Lydon as pointed out

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above, therefore, applicants request withdrawal of the rejection to claims 6-8 under 35 U.S.C. 103(a).

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as unpatentable over Scott (US 6,654,409) in view of Adams. Applicants respectfully traverse the rejections to these claims.

Independent claim 10 recites an apparatus and includes the features of "utilizing said extracted time information to decode said received stream of serialized AES digital audio data." Claim 11 has been cancelled obviating the rejection.

In rejecting applicants' claim 10, the examiner relies on the Scott patent, which, at col. 15, lines 24-36, teaches a clock recovery circuit within an isolation system for terminating a phone line. A decoder section within the clock recovery circuit separates time-division multiplexed (TDM) data and control information. Other circuitry receives the digital control output, including a synchronous data signal. However, neither Scott, nor Adams, separately or in combination, discloses utilizing said extracted time information to decode said received stream of serialized AES digital audio data, as recited in claim 10.

In the final Office action page 8, the Office points to Scott, col. 15, lines 30-32 as allegedly showing these features (previous claim 11). However, a review of the cited section finds that the recovered clock operates as the time base for decoder 708. However, decoder 708 separates the time division multiplexed data and control information, providing digital control output 732 to other circuitry.

The technique of Scott differs from the claimed invention which recites utilizing said extracted time information to decode said received stream of serialized AES digital audio data. Decoder 708 of Scott separates time division multiplexed data and control information, which is different from the claimed to decode said received stream of serialized AES digital audio data. Furthermore, Adams likewise fails to teach the claimed features as pointed out above.

Accordingly, applicants submit that Claim 10 patentably distinguishes over the combination of Scott and Adams and the rejection should be withdrawn.

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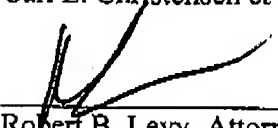
Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicants' attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. However, if there is a fee, please charge the fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,
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